

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-007912-002 DT

04/19/2013

HONORABLE JOSEPH KREAMER

CLERK OF THE COURT
S. Yoder
Deputy

STATE OF ARIZONA

KIRSTEN VALENZUELA
HILARY L WEINBERG

v.

ELDRIDGE AUZZELE GITTENS (002)

SUSAN L COREY
PETER JONES

CAPITAL CASE MANAGER

ORAL ARGUMENT RESET

Courtroom SCT 5B

8:57 a.m. This is the time set for Oral Argument on Defendants' Motion to Dismiss the Death Penalty (*Furman* Motion). No Defendants are present. The following counsel appear in the listed cause numbers:

CR2007-133812-001
Jesus Arturo Martinez, Jr.

State: Kirsten Valenzuela for Vince H. Imbordino
Defense: John Canby, Eric Crocker, and *Knapp* counsel
Michael Terribile

CR2009-160953-001
Rudolph John Cano, Jr.

State: Stephanie D. Low for Jeanine M. Sorrentino
Defense: Susan L. Corey for Bruce E. Buck

CR2010-007882-001
Jasper Phillip Rushing

State: Jeannette Gallagher
Defense: Terry L. Bublik and Amy Kalman

CR2010-007912-001
Darnell Reuna Jackson

State: Kirsten Valenzuela and Hilary L. Weinberg
Defense: Alan I. Tavassoli and Andrew Clemency

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-007912-002 DT

04/19/2013

CR2010-007912-002
Eldridge Auzzele Gittens

State: Kirsten Valenzuela and Hilary L. Weinberg
Defense: Susan L. Corey and Peter Jones

CR2010-048824-001
James Clayton Johnson

State: Kristin Larish
Defense: Susan L. Corey for Robert E. Reinhardt

CR2010-168096-001
Craig Michael Devine

State: Stephanie D. Low for Vince Goddard
Defense: Steve B. Koestner and Toby Schmich

CR2011-005473-001
Abel Daniel Hidalgo

State: Hilary L. Weinberg
Defense: Toby Schmich

CR2011-008004-001
Dennis Michael Levis

State: Kirstin Valenzuela for Vince H. Imbordino
Defense: Steve B. Koestner

CR2011-008004-002
Thomas Michael Riley

State: Kirsten Valenzuela for Vince H. Imbordino
Defense: Randal J. Craig and Michael G. Bailey

CR2011-133622-001
Jesus Busso-Estopellan

State: Erica Basta
Defense: Thomas E. Glow, Jamie Hindmarch; *Knapp*
counsel/counsel for Mexico Richard L. Lougee and
Michael Terribile

CR2011-138281-001
Jason Neil Noonkester

State: Jeannette Gallagher
Defense: Susan L. Corey

CR2011-140108-001
Jose Alejandro Acuna Valenzuela

State: Kristin Larish
Defense: Thomas Glow, Jaime Hindmarch and Steve
Koestner

CR2011-150239-001
Ryan William Foote

State: Patricia L. Stevens
Defense: Dawn R. Sinclair and Eric Crocker

CR2011-151833-001
Jonathan Ray Cole

State: Stephanie D. Low
Defense: Gregory Navazo

CR2012-007399-001
Zachary William Baxter

State: Stephanie D. Low for Marischa H. Gilla
Defense: Jamie C. Hindmarch and Rosemarie Pena-Lynch

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-007912-002 DT

04/19/2013

CR2012-139607-001
Justin Otis McMahan

State: Kristin Sherman
Defense: Victoria E. Washington and Garrett Simpson

CR2012-154880-001
Manuel Antonio Gonzalez

State: Stephanie D. Low for Neha Bhatia
Defense: Jamie C. Hindmarch and Rosemarie Pena-Lynch

Court Reporter Laura Ashbrook is present.

A record of the proceedings is also made by audio and/or videotape.

Also present are counsel on the following cases which were denied joinder in the Motion to Dismiss due to untimeliness:

Gregory Navazo for Defendant Ernest Lee McAllum in CR2012-008677-002.

Bobbi Falduto and David Teel for Defendant Brian Rau in CR2011-005100-001. Kristin Larish appears for the State.

Ms. Gallagher, on behalf of the State, objects to having oral argument today for any defendant who did not waive his presence. In addition, Ms. Gallagher objects to going forward in Defendant Rushing's case due to the determination of counsel issue.

Ms. Corey joins the State's objection on behalf of defendants who did not waive their presence.

Discussion is held regarding possible solutions to the logistical and security issues.

Based on the objection of the parties,

IT IS ORDERED resetting Oral Argument on Defendants' Motion to Dismiss the Death Penalty from this date to **May 3, 2013 at 1:30 p.m.** in this division.

IT IS FURTHER ORDERED that counsel for defendants who were denied joinder in the motion may file a Motion for Reconsideration with this Court.

In CR2010-007912 Gittens (002) Jackson (001):

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-007912-002 DT

04/19/2013

IT IS ORDERED setting Capital Case Management Conference on **May 6, 2013 at 9:30 a.m.** in this division.

In CR2011-138281-001 Noonkester:

IT IS ORDERED vacating Capital Case Management Conference set for May 10, 2013 and resetting same to **May 3, 2013**, in this division, following conclusion of the oral argument.

In CR2011-150239-001 (Foote) a Notice of Filing Exhibit is received with a CD attached. The CD is marked for identification and received in evidence as Defendant's Exhibit 1 to the Motion to Dismiss the Death Penalty.

11:16 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.